

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DANIEL W. COUNCIL,)	Case No.: 5:12 CV 1407
)	
Petitioner)	
)	
v.)	JUDGE SOLOMON OLIVER, JR.
)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Respondent)	<u>ORDER</u>

The Commissioner of Social Security (the “Commissioner”) denied disability benefits to Petitioner, Daniel Council (“Petitioner”), in the above-captioned case. Petitioner sought judicial review of the Commissioner’s decision (ECF No. 1), and this court referred the case to Magistrate Judge James R. Knepp, II, for preparation of a report and recommendation. Both parties submitted briefs on the merits (ECF Nos. 13 and 14). Petitioner sought an order reversing the Administrative Law Judge’s (“ALJ”) decision and awarding him disability benefits and costs. Plaintiff argued that the decision of the ALJ was erroneous as a matter of law and was not supported by substantial evidence.

On July 13, 2013, Magistrate Judge Knepp submitted his Report and Recommendation (“R & R”) (ECF No. 15), recommending that the court affirm the Commissioner’s decision denying Social Security Insurance benefits. The Magistrate Judge found that substantial evidence supported all of the ALJ’s conclusions. (R & R at 13, ECF No. 15.) First, he found that the ALJ had not erred in finding Petitioner’s alleged symptoms not credible, as Petitioner had not taken medication, had attempted to avoid a consultative examination, and had only seen one psychologist one time. (*Id.* at 15-17.) As such, the Magistrate Judge found that the ALJ had not erred in failing to find that paranoid schizophrenia was a severe impairment. (*Id.*

at 17.) Second, the Magistrate Judge found that Petitioner was able to perform several jobs “existing in significant numbers.” (*Id.* at 18.) The Magistrate Judge also found that Petitioner had held several jobs during the time he claimed to be disabled, and that this added to the substantial evidence supporting the ALJ’s conclusion that Plaintiff was not disabled. (*Id.*)

As of the date of this Order, Petitioner has not objected to the Report and Recommendation. By failing to do so, he has waived the right to appeal the Magistrate Judge’s recommendation. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).

The court finds that, after *de novo* review of the Report and Recommendation and all other relevant documents, the Magistrate Judge’s conclusions are fully supported by the record and controlling case law. Accordingly, the court adopts as its own the Magistrate Judge’s Report and Recommendation. (ECF No. 15.)

IT IS SO ORDERED.

/S/ SOLOMON OLIVER, JR.
CHIEF JUDGE
UNITED STATES DISTRICT COURT

August 7, 2013